Memorandum MIAN



Agenda Item No. (8)(O)(2)

Date:

July 24, 2018

To:

Honorable Chairman Esteban L. Bovo, Jr.

and Members, Board of County Commissioners

From:

Carlos A. Gimenez

Mayor

Subject:

Resolution Ratifying Action Related to Miami-Dade Water and Sewer

Department's Consent Decree and Capital Improvement Programs Acceleration

Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and in Exhibit 1, as attached. Upon the Board's approval of this rejection, the project will be re-advertised.

Consent Decree Project

<u>Item 1</u> – Request to Reject all Proposals for Design-Build Contract to Provide Design-Build Services for the Construction of South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings – Project No. DB16-WASD-01. Two proposals were received on September 2, 2016 in response to a solicitation issued under full and open competition for a Request for Design-Build Services.

Scope

The commission district of the project locations is noted on Exhibit A.

Fiscal Impact/Funding Source

The fiscal impact and funding source for this project are detailed on Exhibit A. With the rejection of the bids, there is no fiscal impact to the County.

Track Record/Monitoring

WASD's Senior Advisor Capital Projects and Compliance, Lynnette Ramirez, would have overseen the implementation of this project.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77, authorizing the County Mayor or County Mayor's designee to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in

Honorable Chairman Esteban L. Bovo, Jr. and Members, Board of County Commissioners Page 2

WASD Multi-Year Capital Plan's Capital Improvements Program, without the need for prior Board approval, but subject to ratification by the Board.

On July 20, 2016, a Request for Design-Build Services was issued under full and open competition. On September 2, 2016, proposals were received from PC Construction Company and Poole and Kent Company of Florida. On July 26, 2017, Poole and Kent Company of Florida was found nonresponsive. On May 1, 2018, PC Construction Company withdrew its proposal. The project will be re-advertised upon approval of this rejection.

Exhibit 1 includes the details of the competitively bid award for which ratification is being requested. Exhibit 1 contains the information bulleted below for the contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Commission District
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

Attached as Exhibit 2 is the request to reject all proposals for Design-Build Contract for Item No. 1 as referenced in this memorandum.

Attachments

Jack Osterholt Deputy Mayor

Exhibit 1 Ratification of Rejection of all Proposals Authorized by the WASD Accelerate Ordinance

Brief Project Description		The scope of services for the proposals being rejected includes design-build services for the construction of the South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings. This project is intended to satisfy the requirements identified in Consent Decree Projects 1.06, 1.08, 2.12, 2.13, 2.16, and 2.18(2).
	CWP Pro- gram	NIA
Contract Measures	SBE Construc- tion	MA
Contract	SBE	MA
	SBE Goods & Services	WA
Est. Start Date	Est. End Date	NIA
Operations and	Costs	N/A
Commission	District	District 7 (Commis- sloner Suarez) District 8 (Commis- sloner Levine- Cava)
	Project Name	Design-Build Services for the Construction of South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Treatment Plant Sludge Thickening and Cava)
Contract No.	Project No.	Design- DB16-WASD- Build 01
Confract	Туре	Design-
Type of	Solici- tation	County Bid Process
	Name	WASD
E	Š	-

Exhibit 2

Memorandum



Date:

May 25, 2018

To:

Honorable Carlos A. Gimenez

County Mayor

From:

Kevin T. Lynskey, Director Water and Sewer Department LERK, CIRCUIT & COUNTY CTS HIAMI-DADE COUNTY FLA.

Y 29 AM IO: 02

CONSENT DECREE PROJECT

Subject:

Request to Reject all Proposals for Design-Build Contract to PC Construction Company to Provide Design-Build Services for the Construction of South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings – Project No. DB16-WASD-01

RECOMMENDATION:

This Request to Reject all Proposals for design-build services for the construction of South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings ("Project") is recommended for approval pursuant to the Miami-Dade Water and Sewer Department's (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance Section 2-8.2.12 of the Miami-Dade County Code, Chapter 287.055, Florida Statutes, and Administrative Order 3-39. This item was prepared by the Miami-Dade Water and Sewer Department (WASD).

BACKGROUND:

Miami-Dade County has entered into a Consent Decree (United States District Court for the Southern District of Florida, Case No. 1:12-cv-24400-FAM, hereinafter referred to as "Consent Decree") with the United States Environmental Protection Agency, the State of Florida, and Florida Department of Environmental Protection, to remediate its aging wastewater infrastructure. This Project is intended to satisfy the requirements identified in Consent Decree Projects 1.06, 1.08, 2.12, 2.13, 2.16, and 2.18(2).

REASON FOR REJECTION:

On July 20, 2016, a Request for Design-Build Services was issued under full and open competition. On September 2, 2016, proposals were received from PC Construction Company and Poole and Kent Company of Florida.

On July 26, 2017, Poole and Kent Company of Florida was found nonresponsive (See Exhibit "A"). On May 1, 2018, PC Construction Company withdrew its proposal (See Exhibit "B").

The Project will be re-advertised upon approval of this rejection.

Honorable Carlos A. Gimenez Request to Reject Project No. DB16-WASD-01 Page 2

FISCAL IMPACT / FUNDING SOURCE:

There is no fiscal impact to the County with the rejection of bids.

TRACK RECORD/MONITOR:

Lynnette Ramirez, Senior Advisor Capital Projects & Compliance

KEVIN T. LYNSKEY ON BEHALK

COUNTY MAYOR CARLOS A. GIMENEZ

5/25/

DATE

EXHIBIT A

Memorandum



Date:

July 26, 2017

To:

Jacqueline Carranza

A/E Consultant Selection Coordinator

Internal Services Department

From:

Oren Rosenthal

Assistant County Attorney

Subject:

Project No. DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central Wastewater Treatment Plant Sludge

Thickening and Dewatering Buildings – SUPPLEMENTAL OPINION

You request a second legal opinion on whether Poole & Kent Company of Florida ("P&K") is responsive to the solicitation Project No. DB16-WASD-01, Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings ("Solicitation") based on information that was inadvertently omitted from your first request for a legal opinion on this subject. You request this opinion because one of P&K's subcontractors American Testing Materials Engineering Council, Inc. ("ATME") lost a prequalification certification required by the Solicitation and Administrative Order 3-39. For the reasons set forth below, and based upon the new information submitted, the County may not accept a substitution of ATME at this stage in the procurement and P&K is therefore no longer eligible to be awarded this Solicitation.

BACKGROUND

On June 8, 2017, this office issued a legal opinion advising that given the relatively minor portion of work proposed to be performed by ATME, the County has discretion to allow P&K to substitute ATME with an alternate pre-qualified subcontractor. See Memorandum from Oren Rosenthal to Jacqueline Carranza dated June 8, 2017 (attached hereto as "Attachment A").¹ This opinion was premised on a June 6, 2017 response to a request for further information as to the scope of the work estimated to be performed by ATME. See E-mail from Jacqueline Carranza to Oren Rosenthal, dated June 6, 2017 (forwarding e-mails and analysis performed by staff and consultants for the Water and Sewer Department) ("Carranza E-mail"). In the Carranza E-mail, County staff stated that: "[t]he anticipated cost of the testing work is not significant in comparison to the overall project budget. It represents 0.16% of the base design and construction OPCC without contingencies and allowances."

On June 21, 2017, you issued a second request for responsiveness determination because "[u]pon further review of the information provided to you ... I have determined that the information provided to you was incomplete." (attached hereto as "Attachment B"). You reported that the information previously provided dealt with "the expected value of the work for only of three technical certifications that are assigned to American Testing Materials Engineering, LLC."

¹ A detailed description of this project and the issues presented may be found in the initial June 8, 2017 opinion.

In response to a request for further clarification, you issued, on July 24, 2017, a third request for responsiveness determination (attached hereto as "Attachment C") wherein you report that, upon further review, "the Internal Services Department considers the work assigned to sub-consultant American Testing Materials, LLC ... to be a significant portion of the project, independent of the dollar value of this work." You report that the work to be provided by ATME is "a required component of this project" and the work directly affects other portions of the work such as "the design and construction of above and underground structures."

It is upon this new information that you request a supplemental opinion "as to whether Poole & Kent is responsive and able to participate in the Step Two Evaluation Process."

ANALYSIS

Based on the new information provided, P&K mat not substitute ATME for Step Two because such a substitute will materially alter their proposal. As such, P&K is no longer eligible for award of this Solicitation.

Typically, the County may not permit the substitution of a subcontractor when that subcontractor has failed to maintain its prequalification certification as required by the Solicitation and Administrative Order 3-39. This is because a fundamental requirement of competitive solicitation under Florida law is that a "public authority may not arbitrarily or capriciously discriminate between bidders, or make the award on the basis of personal preference." Hotel China & Glassware Co. v. Bd. of Pub. Instruction of Alachua County, 130 So. 2d 78, 81 (Fla. 1st DCA 1961); See also City of Sweetwater v. Solo Constr. Corp., 823 So. 2d 798 (Fla. 3rd DCA 2002) (applying standard to requests for proposals as well as bids).

Even though public authorities are generally permitted wide latitude in establishing competition, an authority "cannot be allowed to write out this competitive requirement by affording itself overly broad discretion to capriciously and arbitrarily award contracts without established criteria" nor may it "omit or alter material provisions required by the RFP because in doing so the public body fails to 'inspire public confidence in the fairness of the [RFP] process." Emerald Correctional v. Bay County Bd., 955 So. 2d 647, 653 (Fla. 1st DCA 2007) (citing State, Dep't of Lottery v. Gtech Corp., 816 So. 2d 648 (Fla. 1st DCA 2001).

For solicitations seeking proposals, the analysis of whether a public authority is acting arbitrarily or capriciously "is generally controlled by a determination of whether the Board complied with its own proposal criteria as outlined in the RFP." Emerald Correctional v. Bay County Bd., 955 So. 2d 647, 653 (Fla. 1st DCA 2007); See also Solo, 823 So. 2d at 802 (holding that criteria espoused in the published solicitation controlled the analysis of whether the authority acted arbitrarily). Even though public authorities are permitted wide latitude in establishing competition, an authority "cannot be allowed to write out this competitive requirement by affording itself overly broad discretion to capriciously and arbitrarily award contracts without established criteria" nor may it "omit or alter material provisions required by the RFP because in doing so the public body fails to "inspire public confidence in the fairness of the [RFP] process." Id. (citing State, Dep't of Lottery v. Gtech Corp., 816 So. 2d 648 (Fla. 1st DCA 2001). A prime example of arbitrariness or impermissible favoritism is permitting a single proposer to deviate from a solicitation while holding all other vendors to the required process. Id. (finding that "requesting modifications of figures from one bidding party but not the other and then relying on those modifications and accepting non-compliant termination and price setting clauses [] amounted to impermissible favoritism").

Here, permitting P&K to substitute ATME between Step 1 and Step 2 is a clear variation from the Solicitation and the requirements of Administrative Order 3-39. As opposed to the information provided in the initial opinion, the new information provided demonstrates that such a substitution would be material therefore impermissible. Such an act would be a violation of the very tenets of competitive procurement law. See Emerald Correctional, 955 So. 2d at 647; See also Patock Construction v. New Jersey Schools Development Authority, 2014 WL 85300 (N.J. Superior, Ct., App Div., 2014) (finding substitution of "Key Team Member" after initial evaluation would "undermine the competition and public confidence in the process").

Accordingly, P&K's proposal is no longer responsive and may not be considered for award in Step 2 of the Solicitation.

Oren Rosenthal

ATTACHMENT A

Memorandum MIAMI DADE

Date:

June 8, 2017

To:

Jacqueline Carranza

A/E Consultant Selection Coordinator

Internal Services Department

From:

Oren Rosenthal

Assistant County Attorney

Subject:

Project No. DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central Wastewater Treatment Plant Sludge

Thickening and Dewatering Buildings

You request a legal opinion on whether Poole & Kent Company of Florida ("P&K") is responsive to the solicitation Project No. DB16-WASD-01, Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings ("Solicitation") because one of P&K's subcontractors American Testing Materials Engineering Council, Inc. ("ATME") lost a prequalification certification required by the Solicitation and Administrative Order 3-39. For the reasons set forth below, the administration may, in its discretion, permit P&K substitute another sub-contractor for ATME and if such substitution meets the required prequalification certification P&K's proposal may proceed to evaluation. While the loss of a subcontractor's required prequalification would typically preclude a firm from contract award, the work to be performed by ATME under the Solicitation is not material to the project or Solicitation and, as such, it is within the County's discretion to permit such a deviation in this narrow case.

BACKGROUND1

The County issued the Solicitation on July 20, 2016 for a vendor to design and build facilities for the Miami-Dade County Water and Sewer Department. The Solicitation anticipated award of an estimated \$155,416,000 design-build contract to a single proposer.

Section 2.2 of the Solicitation required A/E Design Team Members to "maintain active prequalification status at the time of Step 1 submittal to this Request for Design-Build Services, solicitation evaluation and selection throughout the selection process, at time of award, and throughout the duration of the contract term without any lapses. Failure of any firms denoted on the Design-Builder's A/E design team to be pre-qualified at the Step 1 Submittal shall render the proposal non-responsive." This provision is consistent with Administrative Order 3-39 which provides that "Respondents, including prime consultants and sub-consultants in a prime/sub relationship, must maintain an active PQC from the time of proposal submission to completion of the professional services agreement without lapse." Miami-Dade County Administrative Order 3-39, Sec. 11(I)(2)(a).

We rely on your memorandum dated May 17, 2017 (attached hereto as Exhibit A), various e-mails, the Solicitation documents as well as other information from staff for the factual background as set forth herein.

On May 4, 2017, after the Step 1 evaluation was completed and prior to the submission of Step 2 proposals, the Internal Services Department received a letter from P&K informing the County that "[i]n the 8 months that have elapsed since the Step 1 submittal, ATME's Pre-qualification Certification has expired." Letter from Patrick H. Carr to Jacquiline Carranza, dated May 4, 2017 (attached hereto as Exhibit B). P&K went on to request "that we be allowed to propose Terracon Consultants, Inc., an equally qualified firm to replace ATME on our team."

On May 5, 2017, P&K, along with the sole other proposer, PC Construction Company, submitted proposals for Step 2.

On June 6, 2017, in response to a request for further information as to the scope of the work estimated to be performed by ATME, you provided an e-mail stating that: "[t]he anticipated cost of the testing work is not significant in comparison to the overall project budget. It represents 0.16% of the base design and construction OPCC without contingencies and allowances." *E-mail from Jacqueline Carranza to Oren Rosenthal*, dated June 6, 2017 (forwarding e-mails and analysis performed by staff and consultants for the Water and Sewer Department) (attached hereto as Exhibit C) ("Carranza E-mail").

ANALYSIS

Typically, the County may not permit the substitution of a subcontractor when that subcontractor has failed to maintain its prequalification certification as required by the Solicitation and Administrative Order 3-39. This is because a fundamental requirement of competitive solicitation under Florida law is that a "public authority may not arbitrarily or capriciously discriminate between bidders, or make the award on the basis of personal preference." Hotel China & Glassware Co. v. Bd. of Pub. Instruction of Alachua County, 130 So. 2d 78, 81 (Fla. 1st DCA 1961); See also City of Sweetwater v. Solo Constr. Corp., 823 So. 2d 798 (Fla. 3rd DCA 2002) (applying standard to requests for proposals as well as bids).

Even though public authorities are generally permitted wide latitude in establishing competition, an authority "cannot be allowed to write out this competitive requirement by affording itself overly broad discretion to capriciously and arbitrarily award contracts without established criteria" nor may it "omit or alter material provisions required by the RFP because in doing so the public body fails to 'inspire public confidence in the fairness of the [RFP] process." Emerald Correctional v. Bay County Bd., 955 So. 2d 647, 653 (Fla. 1st DCA 2007) (citing State, Dep't of Lottery v. Gtech Corp., 816 So. 2d 648 (Fla. 1st DCA 2001).

When, however, a variance is immaterial or "minor," a proposer is permitted to vary from the clear directives of the Solicitation. Harry Pepper & Associates, Inc. v. City of Cape Coral, 352 So.2d 1190, 1129 (Fla. 2d DCA 1977) ("a bidder cannot be permitted to change his bid after the bids have been opened, except to cure minor irregularities"); See also Robinson Electric Co. v. Dade County, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance or irregularity is minor is fact specific and may differ from proposal to proposal. Florida courts have used a two part test to determine if a specific noncompliance in a proposal constitutes a substantial and thus nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. See Glatstien

v. City of Miami, 399 So.2d 1005 (Fla. 3d DCA), rev. denied, 407 So.2d 1102 (Fla. 1981). See Harry Pepper, 352 So. 2d at 1193 ("The test for measuring whether a deviation in a bid is sufficiently material to destroy its competitive nature is whether the variation affects the amount of the bid by giving the bidder an advantage or benefit not enjoyed by other bidders"). When irregularities are tangential to the actual proposal they may not be considered material if they do not adversely affect the interests of the County. See Tropabest Foods, Inc. v. State, Dept. of Gen. Services, 493 So.2d 50, 52 (citing the Florida Administrative Code's provisions that a minor irregularity is one which "does not affect the price of the bid, or give the bidder an advantage or benefit not enjoyed by other bidders or does not adversely impact the interests of the agency").

Here, permitting P&K to substitute ATME between Step 1 and Step 2 is a clear variation from the Solicitation and the requirements of Administrative Order 3-39. That variation, however, is in the estimation of the administration "not significant" and represents on 0.16% of the total value of the prospective contract. Moreover, you do not indicate that the work performed by ATME is of any significance to the overall evaluation of the P&K proposal or to the work to be ultimately performed and is merely for testing the "quality of the materials used to perform the WORK". Carranza E-mail, p 2. Permitting P&K to substitute such a minor portion of the proposed team would not provide a material advantage to P&K in the evaluation process and, because it would maintain the only other proposer for the Solicitation, it would not adversely affect the interest of the County. While such a determination is limited to the facts of this case, the County would be within its discretion to allow such a substitution of this minor subcontractor.²

Accordingly, given the relatively minor portion of work proposed to be performed by ATME, the County has discretion to allow P&K to substitute ATME with an alternate pre-qualified subcontractor. If the County elects to allow such substitution, P&K's proposal would still be responsive and may be evaluated during Step 2.

Oren Rosenthal

² Although prior opinions of this office have found that "key personnel" may not be substituted between Step 1 and Step 2 of a design-build solicitation, those opinions have explicitly recognized that "Non-material substitution of personnel may be permissible depending on the facts of the substitution, the process followed, and the language of the solicitation in question." See Memorandum from Oren Rosenthal to Mike Ramos dated October 13, 2015.

EXHIBIT A

Memorandum



Date:

May 17, 2017

To:

Hugo Benitez

Assistant County Attorney County Attorney's Office

From:

Jacqueline Carranza

A&E Consultant Selection Coordinator

Internal Services Department

Subject:

Request for Responsiveness Determination

DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant

Sludge Thickening and Dewatering Buildings

The Internal Services Department (ISD) issued a Request for Design-Build Services (RDBS) for ISD Project No. DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings on behalf of the Miami-Dade Water and Sewer Department (WASD) on July 20, 2016. The Miami-Dade County Small Business Enterprise (SBE) contract measures for this solicitation include a 14% SBE/AE sub-consultant goal, 9.43% SBE/Construction sub-contractor goal, and a 2% SBE/GS sub-contractor goal. The subject solicitation will result in one (1) Design-Build Contract for the WASD, with an estimated total contract amount of \$155,416,000, inclusive of contingencies and dedicated allowances.

On September 16, 2016, two (2) proposals were received by the Clerk of the Board for the Step 1 submittal. On September 20, 2016, both proposals were reviewed and found compliant by the ISD A&E Unit with the Pre-Qualification and Technical Certification (PQC/TC) requirements, in accordance with Section 2.2 Pre-Qualification Requirements for the A/E Design Team of the RDBS. On September 29, 2016, the ISD Small Business Development (SBD) Division reviewed both proposals and found them compliant with SBE requirements for Step 1. Please see the attached SBD Utilization and Assurance Review Memorandum.

The Step 1 Evaluation Meeting was held on December 16, 2016. The two (2) proposals received in response to the solicitation were evaluated and ranked by the Competitive Selection Committee (CSC). Both firms were shortlisted to proceed to the Step 2 evaluation process, Evaluation of Technical and Price Proposals. Step 1 evaluation results are listed below:

	DB16-WASD-01: Step 1 Evaluation	
Team No.	Firm	Ranking
1	Poole & Kent Company of Florida	2
2	PC Construction Company	1

On March 27, 2017, American Testing Materials Engineering, LLC's PQC/TC for TC category 9.03-Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services became inactive due to the revocation of the firm's Construction Materials Engineering Council, Inc. (CMEC) certification. Therefore, American Testing Materials Engineering, LLC cannot provide professional A/E services under TC category 9.03. Furthermore, the firm failed to renew their PQC, which subsequently expired on April 30, 2017.

American Testing Materials Engineering, LLC is a sub-consultant to Design-Builder Poole & Kent Company of Florida, and the only firm on the Design-Build team (see the attached ISD form 8DB) assigned to provide professional A/E services for TC 9.03. Furthermore, none of the other A/E sub-consultants listed in the proposal were technically certified in TC category 9.03, at the time of the Step 1 submittal deadline.

On May 4, 2017, ISD received a letter from Design-Builder Poole & Kent Company of Florida confirming our findings that their sub-consultant American Testing Materials Engineering, LLC lost their PQC and therefore, was not permitted to provide professional A/E services to the County. In addition, the Design-Builder requests substitution of American Testing Materials Engineering, LLC with Terracon Consultants, Inc., to provide professional A/E services for TC categories 9.02—Soils, Foundations and Materials Testing—Geotechnical and Materials Engineering Services, 9.03—Soils, Foundations and Materials Testing—Concrete and Asphalt Testing Services, and 10.05—Environmental Engineering—Contamination for their team.

On May 5, 2017, the deadline for submission of Step 2 proposals, two (2) proposals were received by the Clerk of the Board. Poole & Kent Company of Florida and PC Construction Company submitted proposals.

Pursuant to Administrative Order 3-39, Section 2(I)(1)(a) states: "Firms interested in providing professional services for the County must have an active PQC, issued by the County through SBD, prior to the submittal deadline of any solicitation, which shall be maintained without lapse throughout the course of the project." Section 2(I)(2)(a) status: "Respondents, including prime consultants and sub-consultants in a prime/sub relationship, must maintain an active PQC from the time of proposal submission to completion of the professional services agreement without lapse." Furthermore, Section 2(C) provides that, "Respondents who do not comply with the pre-qualification requirements shall be deemed unresponsive."

In addition, Section 2.2, Pre-Qualification Requirements for the A/E Design Team, of the RDBS states that, "Firms and/or individuals are required to maintain active pre-qualification status at the time of Step 1 submittal to this Request for Design-Build Services, solicitation evaluation and selection throughout the selection process, at time of award, and throughout the duration of the contract term without any lapses. Failure of any firms denoted on the Design-Builder's A/E design team to be pre-qualified at the Step 1 submittal shall render the proposal non-responsive."

Based on the information stated above, ISD hereby respectfully requests your opinion as to whether Poole & Kent Company of Florida is responsive and able to participate in the Step 2 evaluation process.

Should you have any questions, please do not hesitate to contact me at (305) 375-2173. Thank you for your attention to this matter.

Attachments
Request for Design-Build Services
List of Respondents
SBD Utilization and Assurance Review Memorandum
Letter from Poole & Kent

c: Miriam Singer, Sr. Assistant Director, Internal Services Department Curt Williams, Sr. A&E Consultant Selection Coordinator, Internal Services Department Clerk of the Board

EXHIBIT B



Poole & Keat Company of Florida 1781 N.W. North River Drive Mizml, FL 33125 P.O. Box 420556 Mizml, FL 33242 Phone: 305.325.1930 Fax: 905.324.0522

May 4, 2017

Miami-Dade County Clerk of the Board Stephen P. Clark Center 111 NW 1st Street, 17th Floor, Strite 202 Miami, FL 33128

Attn: Jacqueline Carranza

RE: Design-Build Services for the Construction of South District Wastewater Treatment Plant and

Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings,

ISD Project No. DB16-WASD-01 Requested Change to Proposed Team

Dear Ms. Carranza,

On behalf of the Poole & Kent/Carollo Design-Build Team, we respectfully request a change to the composition of our team for the above-referenced project.

In our Step 1 Submittal, we proposed American Testing Materials Engineering, Inc. (ATME) as our lead for geotechnical engineering/testing and environmental engineering, and we used their certifications to qualify for A&E Technical Certification categories 9.02, 9.03, and 10.05. They were the only firm on our team certified in those Technical Certifications.

At the time we submitted for Step 1, we verified that ATME's Prequalification Certification and their Technical Certification in categories 9.02, 9.03, and 10.05 were current and active with the County. This was validated per the County's review of our Step 1 submittal and our Team was deemed responsive, and subsequently invited to proceed to Step 2.

In the 8 months that have elapsed since the Step 1 submittal, ATME's Pre-Qualification Certification has expired. We understand that as a result, they are not currently qualified to provide professional services to the County.

Therefore, we respectfully request that we be allowed to propose Terracon Consultants, Inc., an equally qualified firm to replace ATME on our team. Enclosed for your consideration and acceptance is a revised Form 8BD that reflects the modification and includes two project descriptions for Terracon in Section F. Also attached is the resume for Hugo Soto of Terracon who will serve as our Lead Geotechnical Engineer.

We do not view this replacement as giving our team a competitive advantage as it is only replacing a firm whose qualifications have expired with a new team member that will provide the same services as initially proposed for ATME.

Thank you for your thoughtful consideration of this request. Please do not hesitate to call me if you have questions or require additional information.

Sincerely,

POOLE & KENT COMPANY OF FLORIDA

Patrick H. Carr President & CEO

PHC/wo

attach

MIAMI-DADE COUNTY - INTERNAL SERVICES DEPARTMENT (ISD) STEP 1 - EVALUATION OF QUALIFICATIONS - ISD FORM 8DB ALL TEAM MEMBERS MUST BE DENOTED ON THIS FORM

			ction A Project Information
ISD Project N	lo.: DB16-	WASD-01	Project Name: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central District Wastewater Treatment Sludge Thickening and Dewatering Buildings
Measures:	9.43%	Goal 🛚	SBE/CON .
	14.00%	Goal 🛚	SBE/AE
	2.00%	Goal 🛛	SBE/GS
	10.00%	Goal 🛛	SBE/CWP

200	Section: B Design-Bullder's Information Complete this section for the design-builder only, pursuant to Division: 1, Section 1,8 of the RDBS Teaming Restrictions"; design-builder may only participate on one (1) team when responding to this solicitation.
	Design-Builder's Name: Poole & Kent Company of Florida FEIN: 75-3163466 Business Address: 1781 N.W. North River Drive, Miami, FL 33125
1	Contact Person's Name & Title: Patrick H. Carr, President & CEO Addenda Received (Indicate number) 3
-	Telephone Number: (305)325-1930 Fax Number: (305)324-0522 E-mail: patrickc@pkflorida.com
	General Contractor's / Building Contractor's License No. CGC061808

Firm No.	Section C.(1) — Proposed Architecture & Engine Subconsultants: (DESIGN.TEAM) Complete this section for all proposed A & Esubconsultants; pursuant to Division Teaming Restrictions A & E Subconsultant's Name	1' Section 1.8 of the RDBS:
Torse	A & E Subconsultant's Name > 100 points of the subconsultant's Name > 100 points of the subconsultant's Name >	EXAMINATION FEINERS (FIXERS)
2	Carollo Engineers, Inc.	86-0899222
3	Axioma3, Inc.	65-0028948
4	Terracon Consultants, Inc.	42-1249917
5	Vital Engineering, Inc.	65-0386897
6	Gamboa Engineers, LLC.	45-4509337
7	Fraga Engineers, LLC.	20-4038436
8	Longitude Surveyors, LLC.	36-4551726
9	Nifah and Partners Consulting Engineers, Inc.	65-0604266
10	Chen Moore and Associates, Inc.	59-2739866
11	Gresham, Smith, and Partners	62-0794126
12		
13		
14		

Marille Marille, Antonia virtual Articular (1917) (Consultant	A & E
Water and Sanitary Sewer Systems - Water and Sanitary Sewage Treatment Plants - LEAD A/E	. 2	7, 10
General Structural Engineering - LEAD A/E	2	9
General Civil Engineering - LEAD A/E	2	9, 10
Engineering Construction Management - LEAD A/E	2	5, 7, 9, 10
Soils, Foundations and Materials Testing - Geotechnical and Materials Engineering Services		4
Soils, Foundations and Materials Testing - Concrete and Asphalt Testing Services		4
Environmental Engineering - Contamination Assessment and Monitoring		4
General Mechanical Engineering	2	7
General Electrical Engineering		5, 6
Architecture		3, 7
Surveying and Mapping - Land Surveying		8
	-	
	General Structural Engineering - LEAD A/E General Civil Engineering - LEAD A/E Engineering Construction Management - LEAD A/E Soils, Foundations and Materials Testing - Geotechnical and Materials Engineering Services Soils, Foundations and Materials Testing - Concrete and Asphalt Testing Services Environmental Engineering - Contamination Assessment and Monitoring General Mechanical Engineering General Electrical Engineering Architecture	General Structural Engineering - LEAD A/E General Civil Engineering - LEAD A/E Engineering Construction Management - LEAD A/E Soils, Foundations and Materials Testing - Geotechnical and Materials Engineering Services Soils, Foundations and Materials Testing - Concrete and Asphalt Testing Services Environmental Engineering - Contamination Assessment and Monitoring General Mechanical Engineering 2 General Electrical Engineering Architecture

FIM No	Section D — Proposed Non-A & E Subconsultants and Complete this section for all proposed: flor-A & E subconsultants and/or subcontractor readily identifiable scopes of services and supcontractors as referenced in Sectional France of the Robbs The following must be provided below firm name; adding a code); contact berson; assigned services and FEIN	rs who will perform Work with on 2 ff — Experience and ess; phone number (including
а	Firm Name: American Electric of Miami Address: 11360 S.W. 208 Drive, Miami, FL 33189 Phone Number: (305)253-9131 Contact Person: Jack Pliner, President Assigned Services: Electrical	59-1584838
b	Firm Name: Revere Control Systems, Inc. Address: 2240 Rocky Ridge Road, Birmingham, AL 35216 Phone Number: (727)431- 2011 Contact Person: Sean Gucken Assigned Services: Instrumentation & Controls - Design & Integration	63-0794615
С	Firm Name: Mar's Contractors, Inc. Address: 13303 S.W. 135 Avenue, Miami, FL 33186 Phone Number: (305) 278- 2122 Contact Person: Marcus Riggins, CEO Assigned Services: Mechanical / HVAC / Plumbing	65-0301526

		,
	Firm Name: Transamerica Construction Company	, ,
1	Address: 234 N.E. 34th Street, Miami, FL 33137	83-0373440
d	Phone Number: (305)572- 9551	;
u	Contact Person; Enrique Peraza, President	.
	Assigned Services: Structural Work	
	Firm Name: The GA Group Ltd. Co.	
	Address: 2455 Hollywood Blvd., Suite 119, Hollywood, FL 33020	65-1303715
	Phone Number: (954) 453- 1130	. [
e	Contact Person: Joseph Stevens Cooper, President	
	Assigned Services: Structural Work	1
<u>. </u>		· · · · · · · · · · · · · · · · · · ·
	Firm Name: M & N Construction Group LLC	00.0407045
1	Address: 3401 N.W. 82nd Avenue, Suite #101-G, Doral, FL 33122	20-3497945
f	Phone Number: (786)312-3368]
' '	Contact Person: Alberto Navarro, President	
	Assigned Services: Architectural / Structural	•
ļ		
	Firm Name: Amherst Maintenance, Inc. Address: 920 Harbor Lake Court, Safety Harbor, FL 34695	16-1342713
		10-13-2713
g	Phone Number: (727) 781- 6500	
}	Contact Person; Nick Boubarls, President	
ļ	Assigned Services: Painting Firm Name:	
1		·
۱.	Address:	
h	Phone Number: () -	
	Contact Person:	,
ļ	Assigned Services:	
	Address:]
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i	Contact Person:	
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	Assigned Services: Firm Name;	
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j	Contact Person:	
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Section E—Table of Organization
Please stack the following accompanis:

1) Table of Organization

2) RESUMES FOR KEY PERSONNEL

3) General Contractors of Building Contractors License for Design-Builder

The PK/CE Design-Build Team is comprised of local, experienced, and specially design and construction firms suited best to DESIGN & BUILD the Thickening and Dewatering Buildings at South and Central District Wastewater Treatment Plants. Our team is intimately familiar with Miami-Dade Water and Sewer Department, having designed and/or constructed more than 150 projects valuing more than \$1 billion at County-owned facilities, including South District and Central District WWTPs. Our team knows WASD's facilities, WASD's staff, and WASD's procedures.

Poole & Kent Generales Su Controlles	Headquartered in Miamil since 1954, Poole & Kent has a long standing relationship with WASD. We have completed over 100 projects for WASD, including the County's first plant process design build project.
The control of the co	Founded in 1933, Carolio has exclusively focused on water and wastewater engineering across the U.S. They have served Miami-Dade on a number of high-profile projects, including the SDWWTP's Ht.D Disinfection Design.
CARSHAM AND CARS WAS AND CARS WAS ANOTHER CARS WAS ANOTHER CARS WAS ANOTHER CARS WAS AND CARS WA	For more than 49 years, GS&P has provided design and construction services to a broad range of public and private sector clients throughout the southeastern U.S. GS&P staff have individually performed six projects at the CDWWTP, including the 2008 plant-wide existing-conditions report used to develop CD projects and supporting digester upgrades.
CHE TEORIE	CMA has worked with public and private clients to provide a wide range of water and sewer consulting engineering services, CMA served MDWASD for the SDWWTP HLD Project to review the SDWWTP HLD fats, oil and grease facilities upgrade.
entronice distillents	Since 1988,axiome3architects has been providing architectural and design services for public and private entities across South East Florida. For MDWASD, exioma3architects has designed two LEED rated administration buildings for the GWUDI WTP (as a member on the Carollo leam) and the South District Water Reclamation Plant.
	Mr. Gamboa's protessional experience spans 35 years of electrical engineering experience in the water and wastewater field working for and with Carolio Engineers in projects and municipalities throughout the U.S. and Florida, including MDWASD.
VIIALE	Vital is a consulting engineering tirm that has provided for more than 21 years of electrical engineering services to the construction inclusing for the engineering and design of water and wastewater facilities, including electrical design of water and wastewater treatment plants and sanitary sewage pumping stations for MDWASD.
A N A B I W F & S	Founded in August 1995, Nifah and Pariners is a structural and civil engineering design and construction administration services firm in Miami-Dade County, For MDWASD, they recently completed architectural and structural engineering design of new wellhouses on the Miami Springs Wellfield Rehabilitation (TA 25) Project.
医乳腺性炎 经经验证据	Fraga Engineers, established in 1980, is a woman-owned mechanical/electrical consulting engineering firm located in South Florida. They have experience in renovation and rehabilitation projects with Miami-Dade County.
	Longitude Surveyors is a DBE/CBE-business based in Miami-Dade, in its 10-year history, Longitude has formed ongoing working relationships with many of the most prestigious engineering firms and municipalities in South Florida. This includes MDWASD survey work on a recently completed 24-inch utility routing analysis on a water main project.
	With over 130 offices nationwide, Terracon brings a national practice of geotechnical and environmental consulting services to Miami-Dade. They have extensive experience working with WASD and currently hold a general services contract under which they are providing geotechnical service for various Consent Decree project.
® REVERE	Revere has been providing instrumentation and control services nationwide since 1980. RCS will have technicians at both sites during the design and construction of this project. RCS was part of P&K's team for the County's first plant process design-build project at South District WWTP.
	For more than 28 years, AE has been working on WASD projects providing premier electrical services. AE is extremely familiar with both South District WWTP and Central District WWTP and will have crews at both sites during the construction of this project. AE was part of P&K's team for the County's first plant process design-build project at South District WWTP.
1115	MARS is a State of Florida general contractor, underground utilities contractor, plumbing contractor, and mechanical contractor and has been serving Miami-Dade and the surrounding areas since 1992. MARS is a Miami-Dade County certified SBE-Construction firm and will be performing mechanical installations at both South District WWTP and Central District WWTP.

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Section E—Table of Organization Please attach the following documents 1) Table of Organization 2) RESUMES FOR KEY PERSONNEL 3) General Contractors of Building Contractors License for Design-Builder

	
建	For more than 14 years, TCC has been specializing in cast-in-place concrete, drywall, stucco, and general construction projects throughout South Florida, Transamerica is a Mtami-Dada County certified SBE-Construction firm and will be performing general construction services at South District WWTP. Transamerica was also part of Poole & Kent's design build team for DB09-WASD-05 ARRA.
	The GA Group was founded in 2007 and has been providing general construction services throughout South Fiorida. As a Mami-Dade County certified SBE-Construction firm, The GA Group will perform structural work at Central District WWTP.
₩£ ₩	For more than 11 years, M&N has been specializing in general construction projects throughout Miami-Dade County, M&N Construction Group is a Miami-Dade County certified SBE-Construction firm and will be performing coating services at Central District WWTP.
्रीयां प्रस्ताः कृष्णियाः कृष्णियाः विकासः अस्ति कृष्णियाः विकासः विकासः	Since 1989, Amherst Maintenance has been providing industrial/commercial painting and waterproofing services in New York and Florida, Amherst Maintenance has significant WWTP experience and will be performing the necessary coaling work at South District WWTP,
ORTEL CONTEL	Corcel opened in 1990 and has been providing water-industry products throughout the State of Florida with the assistance of Federal and local development programs.
LEHMAN	With more than 70 years of experience in the industry, LPP has vast knowledge and experience in supplying WWTP pipe, filtings, and valves, and has been one of Poole & Kent's preferred vendors for decades.

Attached, please find our team's table of organization; key personnel resumes; and licenses.

This term must be submitted by each feam member [Design Bullder, AVE Sub-consultant Non-AVE Sub-consultant sour contractors as applicable. Applicable teams members must list previous similar type project in which; it has performed work the reference provided below should be for one project and must comply with the requirements listed by Section 2.1 (i.e., where Experience and Qualifications and Section 2.5. Format and Contents of the RDBS

Name of Firm (Design-Builder/A/E Sub-consultant/Non-A/E Sub-consultant/Sub-contractor):

Terracon Consultants, Inc.

Reference Project Name/Address: South Miami Heights Water Treatment Plant (SMHWTP),11800 SW 208th

Name(s) and role(s) of key personnel working on this reference project: Hugo E. Soto, P.E., Principal Engineer

Reference Project Description: Water Treatment Plant Facility Improvements

Scope of Services Provided; Geotechnical Services

Professional Fees \$ \$66,665.00 Project Start Date: 1/2014 Project Completion Date: 12/2014

Construction Completion Date: Construction Start Date:

B: Professional Fees: \$ A. Project Construction Cost: \$

Total Project Cost (A+B): \$

Reference Company Name: Miami-Dade County WASD Reference Name: Brian Trujillo, P.E. C.G.C.

Reference Phone Number (305) 588-4565 Fax Number (305) 275-3047 E-mail: BTRUJ01@miamidade.gov

This project reference complies with the Experience and Qualification(s) and/or Preference(s) required under Section 2.1, Experience and Qualifications

N/A Yes x No

Please denote which Experience/Qualification(s) and/or Preference (s) that is met with this project reference: 9.01, 9.02

Design-Builder may use the space below to expand on the scope of services provided for this project; (Additional sheets of paper may be used to include information)

The County wanted to develop the existing SMHWTP to accommodate new site improvements that included an electric switchgear building, a generator, fuel tanks, a degassifier contact basin and transfer pump station, a post treatment chemical building, a membrane treatment building, a pretreatment chemical building, and a new guardhouse. During our field exploration, 12 soil borings were drilled to depths ranging from 10 to 60 feet below the existing ground surface, and 6 test pits were excavated to approximately 6 to 10 feet.

The purpose of these services is to provide preliminary information and geotechnical engineering recommendations relative to:

- Subsurface soil conditions
- Foundation design and construction
- Earthwork
- Floor slab design and construction
- Groundwater conditions
- Pavement design and construction

Section F — Experience and Qualification / Preference / Reference Form
This form must be submitted by each team member (Design Builder, A)E Sub-consultant, Non-A/E Sub-consultant, SUBcontractors) as applicable. Applicable team members must list previous similaritype project in which has performed work.
The reference provided below should be for one project and must comply with the requirements listed in Section 2.5. Format and Contents of the RDBS.

Name of Firm (Design-Builder/A/E Sub-consultant/Non-A/E Sub-consultant/Sub-contractor):

Terracon Consultants, Inc.

Reference Project Name/Address: South District Wastewater Treatment Plant, 8950 SW 232 Street, Miami, FL

Name(s) and role(s) of key personnel working on this reference project: Hugo E. Soto, P.E., Principal Engineer

Reference Project Description: Vibration Monitoring, Density and Concrete Testing, Grain Size Analysis, Proctors

Scope of Services Provided: Geotechnical Services, Construction Materials Testing, and Inspection Services

Professional Fees \$ \$20,390.00 Project Start Date: 8/2012 Project Completion Date: 6/2013

Construction Start Date: /

Construction Completion Date:

A: Project Construction Cost: \$

B: Professional Fees: \$

Total Project Cost (A+B): \$

Reference Company Name: Miami-Dade County WASD Reference Name: Thomas J. Potok

Reference Phone Number (786) 268-5730 Fax Number (305) 257-0995 E-mall: ttpot@miamidade.gov

This project reference complies with the Experience and Qualification(s) and/or Preference(s) required under Section 2.1, Experience and Qualifications

Yes x No

N/A

Please denote which Experience/Qualification(s) and/or Preference (s) that is met with this project reference: 9.1, 9.3

Design-Builder may use the space below to expand on the scope of services provided for this project: (Additional sheets of paper may be used to include information)

Terracon provided professional engineering, materials testing, and inspection services in support of the South District Wastewater Treatment Plant Program. Services were performed under the firm's current continuing services contract with Miami-Dade County for soils, foundations, and geotechnical testing services. The scope of work included density tests, concrete testing, and seismosgraphic services (vibration monitoring services).



Hugo E. Soto, P.E. PRINCIPAL ENGINEER

PROFESSIONAL EXPERIENCE

Mr. Soto has 37 years of experience providing geotechnical engineering, construction materials testing, inspection and consulting services. Geotechnical services include geotechnical design, analyses and recommendations related to the design and construction of foundations as well as geotechnical exploration programs. Mr. Soto is well versed in performing analysis and evaluation of field and laboratory data, in-situ soil testing, in-place permeability testing and geophysical explorations. His extensive experience includes: evaluating bearing capacity and settlement for different types of shallow and deep foundation systems; analysis/evaluation of retaining walls, sheet piling systems, slope stability analysis of conventional and reinforced embankments, evaluation of drilled shafts, augercast piles and driven piles; evaluation, design, and implementation of subsurface Improvement programs (i.e. application of dynamic compaction, preloading, compaction grouting, and vibro-compaction techniques); and conducting studies including monitoring vibrations of structures during construction.

PROJECT EXPERIENCE

South Miami Heights Water Treatment Plant (SMHWTP), Miami-Dade County Water and Sewer Department (WASD), Miami, FL

WASD wanted to develop the existing SMHWTP to accommodate new site improvements that included an an electric switchgear building, a generator, fuel tanks, a degassifier contact basin and transfer pump station, a post treatment chemical building, a membrane treatment building, a pretreatment chemical building, and a new quardhouse. As Principal Engineer for this project, Mr. Soto was responsible for providing the preliminary information and geotechnical engineering recommendations relative to subsurface soil conditions, foundation design and construction, earthwork, groundwater conditions, floor slab and pavement design, and construction.

6-Inch D.I. Force Main, Miami-Dade County WASD, Miami, FL

WASD wanted to install a 6-inch D.I. force main from the existing sewer PS-746 to the intersectiononf SW 156th Street and US-1 at the Village of Palmetto Bay. Mr. Soto served as Principal Engineer for the services provided by Terracon including subsurface exploration to determine the subsurface conditions along the 6-inch D.I.force main corridor and geotechnical recommendations for foundation design and construction of the proposed force main.

South District Waste Water Treatment Plant (SDWWTP), Miami-Dade County,

Principal Engineer responsible for the vibration monitoring program that was performed at the SDWWTP to monitor the impact of Pump Nos. 13, 14, and 15 on the Effluent Pump Station No. 2 Building, Terracon provided a vibration monitoring program that consisted of recording the vibration magnitude readings. During construction Proctor tests, gradation tests, density tests, and concrete tests were conducted.



EDUCATION 1 Master of Science in Geotechnical Engineering, Utah State University,

Bachelor of Science in Civil Engineering, Utah State University, 1979

REGISTRATIONS Professional Engineer, #56108, Texas, 1994

Professional Engineer, #36440, Florida, 1985

AFFILIATIONS American Society of Civil Engineers

1

Cuban Society of Engineers

Hugo E. Soto, P.E. PRINCIPAL ENGINEER (CATEGORIES 9.02, 9.03, 9.04)

Port of Miami Tunnel, Miaml-Dade County, FL

Senior Geotechnical Engineer. Provided coordination and review of the field exploration for borings drilled using a jack-up-barge in the Main Channel to an elevation of ~150 feet NGVD. Provide field exploration and laboratory testing results of borings performed at Watson Island, Dodge Island and under the Main Channel.

City of Fort Lauderdale, Fort Lauderdale, FL

Principal Engineer responsible for design and QA testing services provided for various construction projects administered for the City's Engineering and Waterworks Divisions. The scope of work included testing of soil, limerock, concrete and asphalt as well as other specialized testing services required for the design and construction of municipal projects.

South Florida Container Terminal (SFCT) Rubber Tire Gantry (RTG) Operations, PortMiami, Miami-Dade County,

Principal Engineer for geotechnical exploration services performed for the proposed RTG runways for the SFCT improvements at PortMiami. Soil test borings and field California Bearing Ratio (CBR) tests were conducted below the existing asphalt pavement at the proposed RTG runway general areas. The purpose of these services was to provide information and geotechnical engineering recommendations relative to subsurface soil conditions including pavement base and subgrade, groundwater levels, soil bearing capacity and modulus of subgrade reaction for foundation design, subgrade preparation/earthwork recommendations, pavement design, and construction recommendations.

North Terminal Development (NTD) Program, Miami International Airport, Miami-Dade County, FL

As Principal Engineer, Mr. Soto supervised and provided professional engineering testing services in support of the NTD Program. Services were performed under the firm's current continuing services contract for soils, foundations, and geotechnical testing services. The scope of work included non-destructive (NDT) testing, density tests, California bearing ration (CBR) tests, concrete testing, fire proofing, welding observations, asphalt monitoring, and structural evaluations.

Miami-Dade Public Works, Miscellaneous Projects, Miami-Dade County, FL

Contract Manager/Principal Engineer for soils, foundation and construction materials testing services. Project experience within Miami-Dade County has included subsurface exploration and foundation design, construction materials testing, and geotechnical engineering for several of the County's departments including: Miami-Dade Seaport, Water and Sewer, Fire Rescue, Public Works, Housing, Park and Recreation, Environmental Resources Management, Solid Waste and Transit Agency. Services have been provided for several roadway extension and improvement projects throughout the County.

Miami-Dade Expressway Authority (MDX), Miami-Dade County, FL

Contract Manager/Principal Engineer in support of the MDX Five Year Work Program for inspection and testing of construction materials and products. Materials engineering and testing services have included sampling, recording of data, reporting, inspection and testing of bituminous materials, concrete, soils and aggregate, water, steel and prestress and precast products.

Miami-Dade College, Miami-Dade County, FL

Contract Manager/Principal Engineer responsible for managing a continuing services contract to provide geotechnical, construction materials testing, inspection services, and environmental services collegewide for eight campuses and a number of off-campus centers. Services are provided on an as-needed basis.

Florida Department of Transportation (FDOT) Districtwide Geotechnical Services, District Four, Contract No. C-8T51

Project Manager/Principal Engineer for the continuing contract to provide geotechnical engineering services for various projects located throughout District Four. The scope of work included coordination, field exploration review, laboratory testing, and geotechnical studies. Recommendations were furnished for roadways, bridges, mechanically stabilized earth (MSE) walls, cantilever walls, soil improvements, noise walls, and sign structures.

27

EXHIBIT C

Rosenthal, Oren (CAO)

From:

Carranza, Jacqueline (ISD)

Sent:

Tuesday, June 06, 2017 5:06 PM

To:

Rosenthal, Oren (CAO)

Cc:

Williams, Curt (ISD); Palomo, Patty D. (WASD)

Subject:

Design-Build Services for the Construction of the South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings

Good afternoon Oren,

Please see the response from WASD, in the email below, to the request for additional information. Please let me know if you need any additional information.

Regards,

Jacqueline Carranza, A&E Consultant Selection Coordinator Miami-Dade County Internal Services Department 111 N.W. 1st Street, Suite 1300, Miami, FL 33128 Phone: (305) 375-2173

How can ISD serve you better? Give us your feedback <u>here!</u>

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From: Palomo, Patty D. (WASD)

Sent: Tuesday, June 06, 2017 2:51 PM

To: Carranza, Jacqueline (ISD) < Jacqueline. Carranza@miamidade.gov>

Subject: FW: Follow up

Jackie,

Please see WASD response below. Please forward to Oren,

Call me if you have any questions.

Patty Palomo, Chief
Intergovernmental Affairs
Miami-Dade Water and Sewer Department
786-552-8040 Office
786-602-0196 Cell
www.miamidade.gov/water
Connect With Us on Twitter | Facebook



From: Fuentes, Maricela (WASD) Sent: Tuesday, June 6, 2017 2:44 PM

To: Palomo, Patty D. (WASD) < Patty.Palomo@miamidade.gov>

Cc: Anand, Hardeep (WASD) < hardeep.anand@miamidade.gov >; Moncholi, Manuel E. (WASD)

<Manuel.Moncholi@miamidade.gov>

Subject: FW: Follow up

Patty,

After reviewing the attachment and the answers provided by Stantec, please see final responses below:

1. Please let me know the expected value of the work proposed to be performed by American Testing Materials Engineer, LLC and whether the County considers this work a material portion of the solicitation. I need to understand how material this work is to the overall proposal in the County's estimation and what that estimation is based on.

Response:

 Estimated value of work provided by the Design Criterla Package Consultant are for budgeting purposes, as the design is in preliminary stage. Anticipated cost estimate for testing is based on the established testing rates per WASD Project No. 15-WASD-13, AGREEMENT No. 16TCl001.

Project	Testing Classification	Estimated Testing Budgetary Cost
CD 1.08 SDWWTP	Asphalt Testing	\$8,350.00
CD 1.08 SDWWTP	Concrete Testing	\$101,640.00
CD 2.08 CDWWTP	Asphalt Testing	\$8,840.00
CD 2.08 CDWWTP	Concrete Testing	\$101,640.00
		\$220,470.00

- b. Concrete and asphalt testing are requirements for quality assurance and control of the WORK. Concrete and asphalt testing has to be performed. Performing these tests will provide assurances on the quality of the materials used to perform the Work.
- c. The anticipated cost of the testing work is not significant in comparison to the overall project budget. It represents 0.16% of the base design and construction OPCC without contingencies and allowances.
- 2. Additionally, Addendum 10, A46 appears to modify the testing required in the initial solicitation by eliminating "concrete testing" and "soil compaction testing" from the list of required testing. Please let me know if this modification (or any other modifications contained in the addendum) reduces or in any way effects the need for the PQC provided by American Testing Materials.

Response:

 Addendum 10, A46 does not reduces or in any way effects the need for the PQC provided by American Testing Materials. It only states that the owner will be the responsible party for quality control of concrete and soil compaction testing.

Thanksl Maricela

Maricela J. Fuentes, P.E., Assistant Director Miami-Dade Water and Sewer Department M. 786-719-6963 O. 786-552-8894 miamidade.gov/water Connect With Us on Twitter | Facebook

ATTACHMENT B

Memorandum



Date:

June 21, 2017

To:

Oren Rosenthal

Assistant County Attorney County Attorney's Office

From:

Jacqueline Carranza

A/E Consultant Selection Coordinator .

Internal Services Department

Subject:

Request for Responsiveness Determination - Supplemental Information

DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant

Sludge Thickening and Dewatering Buildings

The Internal Services Department (ISD) is in receipt of your legal opinion dated June 8, 2017 for the ISD Project No. DB16-WASD-01, Design-Build Services for the Construction of the South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings. This memorandum provides supplemental information to our original Request for Responsiveness Determination dated May 17, 2017. For the reasons stated below, ISD hereby respectfully requests your review of the supplemental information and your legal opinion in consideration of the same.

Upon further review of the information provided to you, in response to your request for the expected value of the work proposed to be performed by American Testing Materials Engineering, LLC, in the email correspondence dated May 19, 2017 (attached), I have determined that the information provided to you was incomplete. The email correspondence sent to you on June 6, 2017 (attached), provided the expected value of the work for only one of three technical certifications that are assigned to American Testing Materials Engineering, LLC. Therefore, in an effort to ascertain a comprehensive determination of the issue, the Miami-Dade Water and Sewer Department (WASD) has provided additional information that includes the expected value for the three technical certifications.

As previously stated in the original Request for Responsiveness Determination dated May 17, 2017, American Testing Materials Engineering, LLC's Pre-Qualification Certification (PQC) and Technical Certification (TC) for category 9.03 - Soils, Foundations and Materials Testing - Concrete and Asphalt Testing Services became inactive on March 27, 2017 due to the revocation of the firm's Construction Materials Engineering Council, Inc. (CMEC) certification.

On April 30, 2017, American Testing Materials Engineering, LLC's PQC expired due to failure to renew their annual certification, which includes all the TC categories held by the firm. As a result, American Testing Materials Engineering, LLC is not permitted to provide any professional Architectural/Engineering (A/E) services to the County. Furthermore, as of the date of this memorandum, the firm has not renewed their PQC.

American Testing Materials Engineering, LLC is a sub-consultant to Design-Builder Poole & Kent Company of Florida (Poole & Kent), and the only firm on the Design-Build team (see the attached ISD form 8DB) assigned to provide professional A/E services for TC categories 9.02 – Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services, 9.03 – Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services, and 10.05 – Environmental Engineering – Contamination. Moreover, none of the other A/E sub-consultants listed

in the proposal were technically certified in categories 9.02, 9.03 and 10.05, at the time of the Step One submittal deadline.

On May 4, 2017, ISD received a letter from Poole & Kent confirming our findings that their sub-consultant American Testing Materials Engineering, LLC lost their PQC and therefore, was not permitted to provide professional A/E services to Miami-Dade County. In addition, Poole & Kent requested substitution of sub-consultant American Testing Materials Engineering, LLC, in its entirety, with Terracon Consultants, Inc., to provide professional A/E services for TC categories 9.02, 9.03, and 10.05 for their team.

Based on the information submitted by Poole & Kent on the ISD form 8DB, the expected professional engineering work to be performed by the sub-consultant American Testing Materials Engineering, LLC, is estimated to be the sum of the professional engineering work required for TC categories 9.02, 9.03, and 10.05, at a minimum. Based on the supplemental information provided by WASD (attached), the estimated value of the professional engineering work to be performed for TC categories 9.02, 9.03, and 10.05, is the following:

Technical Certification	Estimated Value of Work
9.02 – Solls, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	\$288,060.00
9.03 – Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services ⁽¹⁾	\$220,470.00(1)
10.05 – Environmental Engineering – Contamination	\$288;060.00
Total	\$796,590,00

⁽¹⁾ As provided in previous email correspondence from WASD on June 6, 2017.

Based on the Information in the Request to Advertise Revision No. 2 document (attached), the estimated total contract amount for this project is the following:

Total Contract Amount			
Туре	Estimated Amount (\$)		
Engineering Design Cost	\$9,602,000		
Construction Cost	\$128,012,000		
Base Contract Amount	\$137,614,000		
Engineering Contingency*	\$961,000.		
Construction Contingency*	\$6,401,000		
Total Contingency Allowance	\$7,362,000		
Dedicated Allowances:			
Permitting Fees	\$3,840,000		
Design Directives Other than Scope	\$1,800,000		
Changes in Soil Conditions	\$1,800,000		
Utility Relocations	\$1,800,000		
Environmental Investigations	\$1,200,000		
Total Dedicated Allowances	\$10,440,000		
Total Contract Amount	\$155,416,000		

^{*}Note: Contingency allowance fees are 10% of the estimated engineering cost and 5% of the total construction cost.

In consideration of the supplemental information provided in this memorandum, to the original Request for Responsiveness Determination, ISD hereby respectfully requests your opinion, as to whether Poole & Kent is responsive and able to participate in the Step Two Evaluation process.

Should you have any questions, please do not hesitate to contact me at (305) 375-2173. Thank you for your attention to this matter.

Altachments Request to Advertise Revision No. 2 ISD Form 8DB Emall Correspondence

c: Miriam Singer, Sr. Assistant Director, Internal Services Department
Curt Williams, Sr. A&E Consultant Selection Coordinator, Internal Services Department
Clerk of the Board

ATTACHMENT C

Memorandum



Date:

July 24, 2017

To:

Oren Rosenthal

Assistant County Attorney County Attorney's Office

From:

Jacqueline Carranza J Cauca A/E Consultant Selection Coordinator

Internal Services Department

Subject:

Request for Responsiveness Determination – Additional Supplemental Information DB16-WASD-01: Design-Build Services for the Construction of South District Wastewater Treatment Plant and Central District Wastewater Treatment Plant

Sludge Thickening and Dewatering Buildings

In response to your email correspondence dated June 23, 2017, we offer the following:

The June 6, 2017 correspondence referred to work expected to be performed under Technical Certification Category (TC) 9.03 – Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services only. The statement of non-significant may have been based on the dollar value with respect to the entire project cost.

For the reasons set forth below, the Internal Services Department considers the work assigned to sub-consultant American Testing Materials Engineering, LLC (TC 9.02, TC 9.03, and TC 10.05) to be a significant portion of this project, independent of the dollar value of this work.

Technical certification categories are an integral element in the scope development of a project. They indicate the essential A/E professional services required of the team to successfully develop and complete the project. Non-substantial technical elements are therefore not included as required technical certifications.

In accordance with the Request for Design-Build Services (RDBS), Administrative Order 3-39, and Florida Statute 287.055, a significant portion of the proposal evaluation criteria considers the qualifications and work experience of the firms including team members assigned to the project. Therefore, when the Competitive Selection Committee (CSC) evaluated the proposal in the Step One Evaluation, the CSC evaluated American Testing Materials Engineering, LLC's team qualifications and work experience based on the criteria listed below.

Step / Selection Griteria Maximum Points	
1A. Qualifications of firms including the team members assigned to the project	50
2A. Knowledge and past experience of similar type projects	25
3A. Past performance of the firms	20
4A. Amount of work awarded and paid by the County	5
TOTAL MAXIMUM POINTS	100

Criterion 1A: Qualifications of Firms including the Team Members Assigned to the Project (Maximum 50 points) - Point value will be based upon the evaluation of the Design-Builder's team qualifications, experience and availability of key personnel demonstrated project experience relative to this project.

Criterion 2A: Knowledge and Past Experience of Similar Type Projects (Maximum 25 points) - Point value will be based upon the evaluation of the Design-Builder's understanding of the scope of work, and experience on previous similar type projects such as key design elements, contract, understanding and awareness of the permitting requirements involved with the project and health and safety programs as applicable.

Criterion 3A: Past Performance of the Firms (Maximum 20 points). Past Performance point value will be based upon the evaluation of the Design-Builder's team, overall interrelationship with proposed sub-consultants and subcontractors, responsiveness, experience in scheduling projects, and timely submittal of deliverables on past projects. For Design-Builders and team members that have previous County work experience, ISD will provide the CSC with the available performance evaluation data on file. Design-Builders may be provided with a standard performance questionnaire to augment the County's data.

Criterion 4A: Amount of Work Awarded and Paid by the County (Maximum 5 points) - Point value will be based upon the amount of dollars awarded and paid for a three-year period from the submittal date of the solicitation for the A/E firms only, which are part of the proposing team.

Florida Statute 287.055, provides that "In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms, and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms."

In consultation with the Water and Sewer Department (WASD), the work to be provided by American Testing Materials Engineering, LLC, which consists of geotechnical engineering, contamination assessment and monitoring, and soils/materials testing is a required component of this project.

The work assigned to American Testing Materials Engineering, LLC in the Letter of Qualifications (LOQ), under TC 9.02 – Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services consists of a geotechnical report that Indicates whether the soil/geotechnical conditions will provide the necessary support for the planned structure(s). The report is used to identify that potential stability and foundation problems are known to the structural engineers who are designing the structure(s). The report also includes groundwater conditions, which allow for estimating future seepage into foundations, uplift pressures on foundations and the need for adequate drainage. The report is also used in consideration of design requirements for paving, grading and drainage of the site.

The type of work assigned under TC 9.03 – Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services consists of soils, concrete and asphalt testing and inspection services. The firm must have a certified in-house laboratory and licensed and certified technicians in each related discipline. Although WASD will be responsible for quality control of concrete and soil compaction testing, the remaining work covered under the TC continues to be a part of the scope of the project.

The type of work assigned under TC 10.05 – Environmental Engineering – Contamination involves the identification of potential or existing contamination liabilities that may affect the design and construction of above and underground structures.

In consideration of the additional supplemental information provided in this memorandum, to the original Request for Responsiveness Determination Memorandum dated May 17, 2017 and the Supplemental Information Memorandum dated June 22, 2017, ISD hereby respectfully requests your opinion, as to whether Poole & Kent is responsive and able to participate in the Step Two Evaluation process.

Should you have any questions, please do not hesitate to contact me at (305) 375-2173. Thank you for your attention to this matter.

c: Miriam Singer, Sr. Assistant Director, internal Services Department
Curt Williams, Sr. A&E Consultant Selection Coordinator, Internal Services Department
Clerk of the Board

EXHIBIT B



May 1, 2018

Patty Palomo
Chief Intergovernmental Affairs
Miami-Dade Water and Sewer Department
3071 SW 38th Ave
Miami FL 33233

VIA US MAIL & ELECTRONIC MAIL

Re: Withdrawal of Proposal – SDWTP and CDWTP Sludge Thickening and Dewatering Buildings (Contracts No. S-884 and No. S-888)

Ms. Palomo,

This letter is to inform Miami Dade County ("County") that PC Construction Company d/b/a PCEO, Inc. ("PC") hereby withdraws its Proposal for the above-referenced Project. As you know, PC originally submitted its proposal on May 5, 2017, almost one year ago. That proposal was based on information and pricing available at that time as well as the representations from the County regarding the anticipated Notice to Proceed date of August 31, 2017. PC's proposal included a bid bond securing the bid for only 180 days from proposal submission which has long since expired. If you have any questions please feel free to contact me.

Sincerely,

PC Construction Company

Brian Walker Vice President

CC: Clerk of the Board

Honorable Chairman Esteban L. Bovo, Jr. DATE: July 24, 2018 TO: and Members, Board of County Commissioners SUBJECT: Agenda Item No. 8(0)(2) FROM: Please note any items checked. "3-Day Rule" for committees applicable if raised 6 weeks required between first reading and public hearing 4 weeks notification to municipal officials required prior to public hearing Decreases revenues or increases expenditures without balancing budget **Budget required** Statement of fiscal impact required Statement of social equity required Ordinance creating a new board requires detailed County Mayor's report for public hearing No committee review Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's ____, unanimous _____) to approve

Current information regarding funding source, index code and available

balance, and available capacity (if debt is contemplated) required

Approved		<u>Mayor</u>	Agenda Item No.	8(0)(2)
Veto			7–24–18	
Override	·			
	RESOLUTION N	O.		

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8,2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE REJECTION OF ALL PROPOSALS FOR DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT AND THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT **SLUDGE** THICKENING DEWATERING BUILDINGS - PROJECT NO. DB16-WASD-01

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically the rejection of all proposals for Design-Build Services for the Construction of the South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings – Project No. DB16-WASD-01.

Agenda Item No. 8(0)(2) Page No. 2

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman

Audrey M. Edmonson, Vice Chairwoman

Daniella Levine Cava

Jose "Pepe" Diaz

Sally A. Heyman

Eileen Higgins

Barbara J. Jordan

Joe A. Martinez

Jean Monestime

Dennis C. Moss

Rebeca Sosa

Xavier L. Suarez

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 24th day of July, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

> MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Ву:		
	Deputy Clerk	

Approved by County Attorney as to form and legal sufficiency.

SED

Sarah E. Davis